THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

MAR 12 2008

Simon P. Cohn, M.D., M.P.H.
Chairman, National Committee on Vital and Health Statistics
3311 Toledo Road, Room 2341
Hyattsville, MD 20782

Dear Dr. Cohn:

Thank you for your letter, on behalf of the National Committee on Vital and Health Statistics (NCVHS), addressing the interplay between the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA). I appreciate the continued efforts of NCVHS to hold public hearings and gather testimony and evidence examining such topics, as NCVHS has done with regard to HIPAA and FERPA in 2004, in 2006, and in 2007.

The Department is committed to achieving an optimal balance between strong protections for the privacy of individually identifiable health information and maintaining access to quality health care by permitting the appropriate uses and disclosures of such information for treatment and payment purposes, as well as for other important public purposes. The NCVHS recommendations are important in helping the Department achieve this balance for students, families, educators, and covered entities. These and other recommendations received from the educational community concerning the Privacy Rule, have been referred to and are being carefully reviewed by the Office for Civil Rights, the office responsible for implementing and enforcing the Privacy Rule, in order to determine the action necessary to help covered entities and the educational community understand and comply with the Rule.

The *Report to the President on Issues Raised by the Virginia Tech Tragedy* that was sent to the President by this Department, the Department of Education (DOE), and the Department of Justice (DOJ), on June 13, 2007, discusses FERPA and HIPAA and contains recommendations for the Department, as well as for the DOE and the DOJ. As such, your comments were especially timely.

As always, I value the views of NCVHS and look forward to the further insight of NCVHS on such issues. I have included a copy of the *Report to the President* for your convenience. Please feel free to contact me if you have any further thoughts or questions.

Sincerely,

Michael O. Leavitt

Enclosure

REPORT TO THE PRESIDENT

ON ISSUES RAISED BY THE VIRGINIA TECH TRAGEDY

June 13, 2007

"We reflect on what has been lost and comfort those enduring a profound grief. And somehow we know that a brighter morning will come. We know this because together Americans have overcome many evils and found strength through many storms."

—President George W. Bush

June 13, 2007

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

In the wake of the Virginia Tech tragedy, you charged us to travel to communities across our Nation to meet with a wide range of leaders on the broader issues raised by this tragedy, and to report back to you what we learned, together with our recommendations for how the Federal government can help avoid such tragedies in the future. The enclosed report summarizes our findings and provides our recommendations developed through discussions with educators, mental health experts, law enforcement and other key state and local officials from more than a dozen states.

We found great commonality in the themes that emerged from our meetings. Following the Virginia Tech tragedy and similar incidents of violence that have occurred in recent years, states and local communities are carefully considering whether they have properly addressed and balanced the fundamental interests of privacy and individual freedom, safety and security, and assisting those with mental health needs in getting appropriate care. Although state and local leaders recognized and underscored that these issues primarily must be resolved at the state and local level, these events make all of us ask whether there is more we can and should be doing.

As we note in our report, our recommendations are not a panacea. Rather, along with identifying steps that we can take, the report serves to focus our attention on the issues that must be part of the ongoing national dialogue as we continue to protect the freedoms we enjoy in our society, while appropriately minimizing risks to public safety.

We look forward to continuing our collaboration on the Federal level, as well as with states and localities, in our ongoing efforts to address these fundamental issues and take concrete steps to promote the well being and safety of all Americans.

Sincerely,

[redacted]

Michael O. Leavitt
Secretary
Department of Health and
Human Services

[redacted]

Alberto R. Gonzales
Attorney General
Department of Justice

[redacted]

Margaret Spellings
Secretary
Department of Education

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INTRODUCTION

On April 21, 2007, in response to the tragic shootings at Virginia Tech, President George W. Bush directed Secretaries Michael Leavitt and Margaret Spellings and Attorney General Alberto Gonzales to travel to communities across our nation and to meet with educators, mental health experts, law enforcement and state and local officials to discuss the broader issues raised by this tragedy. The President instructed Secretary Leavitt to summarize what they learned from these meetings and report back with recommendations about how the federal government can help avoid such tragedies in the future.

The Virginia Tech tragedy was deeply felt throughout America. People everywhere we traveled extended their hearts and prayers to the families and friends of the victims. The tragedy also raised issues with which our society has long grappled. Questions were raised about the proper balance between providing for the safety and security of our communities, while protecting privacy and liberty, and helping people with mental illness get the care they need. Our meetings and this report were not, and could not be, an attempt to resolve or reset the balance of all these interests. Nor did people with whom we met feel we could eliminate all risk, and at the same time maintain a free and open society. But there was a shared sense that we must not miss the opportunity to learn from this event and do what we can to make our communities safer.

This report does not seek to investigate the specifics of the Virginia Tech tragedy itself. That work is currently being done by the Virginia Tech Review Panel appointed by Governor Kaine. Instead, this report summarizes the major recurring themes we heard in our visits across the country. It includes critical steps state and local leaders identified to address school violence and mental illness at the community level.

The report includes recommended actions the federal government can take to support state and local communities and ensure that the federal government and federal law are not obstacles to achieving these goals. The recommended action items are not, individually or together, a panacea for the many complex issues our society confronts in trying to prevent another tragedy. Rather, they are an attempt to frame the issues and identify tangible steps we can take over time to help prevent events like the Virginia Tech tragedy.

KEY FINDINGS

- **Critical Information Sharing Faces Substantial Obstacles:**
  Education officials, healthcare providers, law enforcement personnel, and others are not fully informed about when they can share critical information on persons who are likely to be a danger to self or others, and the resulting confusion may chill legitimate information sharing.

- **Accurate and Complete Information on Individuals Prohibited from Possessing Firearms is Essential to Keep Guns Out of the Wrong Hands:**
  State laws and practices do not uniformly ensure that information on persons restricted from possessing firearms is appropriately captured and available to the National Instant Criminal Background Check System (NICS).

- **Improved Awareness and Communication are Key to Prevention:**
  It is important that parents, students, and teachers learn to recognize warning signs and encourage those who need help to seek it, so that people receive the care they need and our communities are safe.

- **It is Critical to Get People with Mental Illness the Services They Need:**
  Meeting the challenge of adequate and appropriate community integration of people with mental illness requires effective coordination of community service providers who are sensitive to the interests of safety, privacy, and provision of care.

- **Where We Know What to Do, We Have to be Better at Doing It:**
  For the many states and communities that have already adopted programs, including emergency preparedness and violence prevention plans, to address school and community violence, the challenge is fully implementing these programs through practice and effective communication.

CANVASSING THE NATION

To carry out the President's charge promptly, Secretary Leavitt, Secretary Spellings and Attorney General Gonzales led federal delegations to meet with leaders in a dozen states between April 26, and May 4, 2007. Secretary Leavitt traveled to Colorado, Florida, Minnesota, Tennessee, Texas, Utah, and West Virginia; Secretary Spellings traveled to California and New Mexico, and Attorney General Gonzales traveled to Indiana, Oklahoma, and Mississippi. On May 16, 2007, the Secretaries and the Attorney General also participated in a phone conference with high-ranking Virginia officials convened by Governor Kaine. At each session, the Secretaries and the Attorney General were accompanied by high-ranking officials and experts from each of the other two federal Departments.

Governors and state officials responded quickly to our requests to convene key leadership. State and local leaders from a wide range of sectors actively participated and provided their individual input in each of the sessions. In most states, the Governors' offices hosted the events, which were typically attended by senior state leadership, including Governors, Lieutenant Governors, Attorneys General, and state legislators. They were joined by state officials and experts from across the spectrum of the mental health, education, and law enforcement communities. The number of participants at each session ranged from 20 to 90. Sessions often included separate "breakout" discussions among mental health, education, and law enforcement experts, followed by a concluding plenary session to share and further discuss issues raised.

From the mental health community, participants typically included commissioners of state departments of health and/or mental health, counselors, psychiatrists, and other mental health professionals at schools and institutions of higher education, community mental health providers, and mental health advocates. From the education community, numerous college presidents participated, along with superintendents of public and higher education, school security officers, university officials, parents, and students. From the law enforcement community, the chiefs of numerous campus police forces participated, along with state and local law enforcement leaders, state departments of homeland security, local United States Attorneys, and representatives from the local Federal Bureau of Investigation (FBI), the United States Secret Service, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) offices.

The meetings took place at universities, community colleges, libraries, state capitols, state agencies, and other sites throughout the country. They focused on practices that have worked and obstacles that state and local leaders continue to face, as well as possible solutions to these obstacles. In each state, there were rich and informed discussions among educators, mental health professionals, law enforcement officials, and community representatives

and advocates. In some instances, our visits complemented continuing statewide attention to these issues; in others, our visits served to launch state initiatives. For example, in Colorado, our visit coincided with a conference sponsored by the Colorado Attorney General's Office and Governor Ritter on school safety; in Oklahoma, Governor Henry had already established a task force to evaluate similar issues; and in Florida, Governor Crist issued an executive order at the outset of our meeting establishing a workgroup to look at these issues, which issued a comprehensive report on May 24, 2007. In Virginia, Governor Kaine appointed a panel that is thoroughly reviewing the specific circumstances that occurred at Virginia Tech.

COMMON THEMES AND OBSERVATIONS

There was universal recognition that the issues are complex and that they represent critical, sensitive, and long-standing societal questions of balancing individual liberty and privacy with safety and security. All agreed that in a country of more than 300 million people, it is impossible to eliminate all risks. We can not maintain a free and open society and eliminate the possibility that violence in schools, offices, or malls will happen again. The focus of the meetings, therefore, was on how to minimize appropriately the possibility that these situations may occur in the future.

States, which have long sought to address the difficult balance among privacy, security and ensuring that people in need receive appropriate care, also report that they may be revisiting their approach in coming months, as tragic events such as Virginia Tech sharpen their focus on whether the balances that have been struck are correctly calibrated or whether there is a need to implement more effectively decisions that have already been made.

The meetings served to underscore that universal, "one-size-fits-all" solutions are unlikely to be helpful. Rather, appropriate responses to the issues must be tailored to a wide range of circumstances, depending, for example, on whether the context is a college or university, elementary or secondary school, whether the area is rural or urban, whether the setting is a single building, an expansive campus, or integrated in a city setting, or whether the threat being addressed is from a person who is familiar to the setting, or is a stranger to it. While most discussions focused on school violence, both at the K–12 and post-secondary level, there also were discussions about preventing violence in other public or community settings.

In each state, mental health experts were quick to point out that most people who are violent do not have a mental illness, and most people who have mental illness are not violent. Meeting participants expressed hope that the work being done at the federal and state levels continues to de-stigmatize mental illness, thereby normalizing requests for help.

Throughout these discussions, participants shared concerns about the increasing number of people with serious mental illness in schools, jails, and prisons. With respect to higher education, the perceived increase in students with mental illness was attributed to two factors: advances in treatment and supports enable more people with mental illness to attend college and many serious mental illnesses develop or manifest themselves at the age at which people typically enroll in and attend institutions of higher education. Many states are evaluating how their mental health systems provide services, including emergency services, to persons with mental illness, as they pursue the important goal of community integration.

FINDINGS AND RECOMMENDATIONS

Our meetings across the country produced comments on issues that spanned a wide range of topics from individuals from many disciplines and backgrounds. However, we heard and discussed several recurring and interconnected themes that are highlighted as key findings at the outset of this report:

- Critical Information Sharing Faces Substantial Obstacles
- Accurate and Complete Information on Individuals Prohibited from Possessing Firearms is Essential to Keep Guns Out of the Wrong Hands
- Improved Awareness and Communication are Key to Prevention
- It is Critical to Get People with Mental Illness the Services They Need
- Where We Know What to Do, We Have to be Better at Doing It

This report summarizes the recurring major themes that led to each finding, along with critical steps state and local leaders identified as being taken, or needing to be taken, to address school violence and mental illness. Though state and local leaders pointed out that these issues reside primarily with states and localities, we have concluded there are several things the federal government also can and should do to help. Thus, this report also identifies steps our three federal agencies can take to ensure federal law and activities support, rather than impede, state and local efforts to deal with the complex issues raised by the Virginia Tech tragedy. It adds to a significant array of efforts that the federal and state governments have already undertaken to address these types of issues.[1]

In addition, participants also cited the important role that the U.S. Department of Homeland Security plays in assisting the states and localities in conducting threat assessments and risk preparedness. A number of the federal recommendations we identify in the report suggest opportunities for our agencies and Homeland Security to work together to better assist states and localities in these functions.

❖ Critical Information Sharing Faces Substantial Obstacles

We repeatedly heard reports of "information silos" within educational institutions and among educational staff, mental health providers, and public safety officials that impede appropriate information sharing. These concerns are heightened by confusion about the laws that govern the sharing of information. Throughout our meetings and in every breakout session, we heard differing interpretations and confusion about legal restrictions on the ability to share information about a person who may be a threat to self or to others. In addition to federal laws that may affect information sharing practices, such as the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule and the Family Educational Rights and Privacy Act (FERPA), a broad patchwork of state laws and regulations also impact how information is shared on the state level. In some situations, these state laws and regulations are more restrictive than federal laws.

A consistent theme and broad perception in our meetings was that this confusion and differing interpretations about state and federal privacy laws and regulations impede appropriate information sharing. In some sessions, there were concerns and confusion about the potential liability of teachers, administrators, or institutions that could arise from sharing information, or from not sharing information, under privacy laws, as well as laws designed to protect individuals from discrimination on the basis of mental illness. It was almost universally observed that these fears and misunderstandings likely limit the transfer of information in more significant ways than is required by law. Particularly, although participants in each state meeting were aware of both HIPAA and FERPA, there was significant misunderstanding about the scope and application of these laws and their interrelation with state laws. In a number of discussions, participants reported circumstances in which they incorrectly believed that they were subject to liability or foreclosed from sharing information under federal law. Other participants were unsure whether and how HIPAA and FERPA actually limit or allow information to be shared and unaware of exceptions that could allow relevant information to be shared.

Of course, a predicate to sharing information is recognizing when individuals pose a threat to themselves or others, and when intervention to pre-empt the threat is appropriate. In this regard, participants flagged the need for effective, evidence-based, inter-disciplinary tools to conduct a reliable assessment of the degree, type, and immediacy of safety risk the individual poses.

State and Local Recommendations

- *Increase information sharing and collaboration among state and local communities, educators, mental health officials, and law enforcement to better provide care and detect, intervene, and respond to potential incidents of violence in schools and other venues.*

- *Provide accurate information to help ensure that family members, educational administrators, mental health providers, and other appropriate persons understand when and how they are legally entitled to share and receive information about mental illness, and appropriately do so, particularly where college and school-age children and youth are involved, for the protection and well-being of the student and the community.*

- *Along with reviewing federal laws that may apply, clarify and promote wider understanding about how state law limits or allows the sharing of information about individuals who may pose a danger to themselves or others, and examine state law to determine if legislative or regulatory changes are needed to achieve the appropriate balance of privacy and security.*

Recommended Federal Action

- *The U.S. Departments of Health and Human Services and Education should develop additional guidance that clarifies how information can be shared legally under HIPAA and FERPA and disseminate it widely to the mental health, education, and law enforcement communities. The U.S. Department of Education should ensure that parents and school officials understand how and when post-secondary institutions can share information on college students with parents. In addition, the U.S. Departments of Education and Health and Human Services should consider whether further actions are needed to balance more appropriately the interests of safety, privacy, and treatment implicated by FERPA and HIPAA.*

- *The U.S. Department of Education should ensure that its emergency management grantees and state and local communities receiving training through the program have clear guidance on the sharing of information as it relates to educational records and FERPA.*

- *Federal agencies should continue to work together, and with states and appropriate partners, to improve, expand, coordinate, and disseminate information and best practices in behavioral analysis, threat assessments, and emergency preparedness, for colleges and universities.*[2]

- *The U.S. Department of Education, in collaboration with the U.S. Secret Service and the Department of Justice, should explore research of targeted violence in institutions of higher education*[3] *and continue to share existing threat assessment methodology with interested institutions.*[4]

❖ Accurate and Complete Information on Individuals Prohibited from Possessing Firearms is Essential to Keep Guns Out of the Wrong Hands

At the majority of our meetings, participants focused on the imperative to ensure the effectiveness of existing federal firearms laws, and facilitate better cooperation and communication between states and the federal government to ensure that firearms background checks are thorough and complete.

At some of our sessions, participants also commented about other aspects of the enduring debate over gun control. For example, participants addressed the issue of firearms on campus, some in favor and some against. Campus law enforcement participants also discussed their enforcement practices and the need for education about existing campus policies on the possession of firearms on campus. But the focus of discussions related to gun policy was on increasing the effectiveness of current federal firearms regulation, which is limited by divergent state practice.

Only 23 states currently provide any information to the NICS on persons disqualified from possessing firearms under federal law for reasons related to mental health, and many of those that do provide information provide very few records. For the NICS to be maximally effective in keeping firearms out of the hands of persons prohibited by federal law, including those prohibited by virtue of reportable and qualifying mental health history, all states need to understand the full scope of the existing federal laws and submit, or make accessible, appropriate information to the NICS.

Some states reported that state privacy laws prevented them from sharing information with the NICS. Other concerns centered on limited resources to submit or make available required information.[5] Many participants suggested the need to evaluate the existing approach in their state to sharing mental health information and how their state regulates access to firearms by persons with mental illness who are at risk of injury to themselves or others.

State and Local Recommendations

- *Prioritize and address legal and financial barriers to submitting all relevant disqualifying information to the NICS and other crucial inter-agency information sharing systems to prevent individuals who are prohibited from possessing firearms by federal or state law from acquiring firearms from federally licensed firearms dealers.*

Recommended Federal Action

- *The U.S. Department of Justice, through the FBI and ATF, should reiterate the scope and requirements of federal firearms laws, including guidance on the federal firearms prohibitions in the Gun Control Act of 1968 and how to provide information to the NICS on persons whose receipt of a firearm would violate state or federal law.*[6]

- *The U.S. Department of Justice, through the FBI and ATF, should continue to encourage state and federal agencies to provide all appropriate information to the NICS so that required background checks are thorough and complete.*[7]

- *Some states may need to evaluate whether changes or modifications to state law are necessary to make more relevant information available to NICS. The U.S. Department of Justice should work with states to provide appropriate guidance on policies and procedures that would ensure that relevant and complete information is available for background checks.*

❖ Improved Awareness and Communication are Key to Prevention

Recognizing that there were warning signs that preceded many school violence incidents, participants in our meetings discussed ways to address school cultures, including tacit "codes of silence," that may impede identifying and responding to those in crisis. Students may know of someone in need or someone who has made a threat, but frequently they do not share that information with individuals who can take appropriate action. Participants stressed the need to promote cultures of trust, respect, and open communication, to reduce student isolation, to normalize the act of seeking help by and for those who pose a threat to self or others, and to de-stigmatize mental illness. Underscoring the theme that information sharing is key, participants repeatedly identified the need for communication strategies that build bridges between education and mental health systems.

Participants in our meetings also focused on promoting prevention and early intervention for children with, or at risk for, mental illness through early detection, referral, and treatment. They additionally highlighted the importance of ensuring that parents, teachers and students understand and are sensitive to warning signs and know what to do if they encounter someone exhibiting these signs. Effective practices shared during our meetings included identifying responsible and appropriate individuals with whom to share concerns, and creating interdisciplinary teams to evaluate the information, assess the degree of threat, and intervene to pre-empt the threat. State practices vary from using toll-free call centers to "risk assessment" teams in schools to receive, evaluate, and act on threat information.

State and Local Recommendations

- *Develop cultures within schools and institutions of higher education that promote safety, trust, respect, and open communication. Create environments conducive to seeking help and develop culturally appropriate messages to de-stigmatize mental illness and mental health treatment.*

- *Educate and train parents, teachers, and students to recognize warning signs and known indicators of violence and mental illness and to alert those who can provide for safety and treatment.*

- *Establish and publicize widely a mechanism to report and respond to reported threats of violence.*

Recommended Federal Action

- *The U.S. Department of Health and Human Services should work through the Centers for Disease Control and Prevention's (CDC) 10 Academic Centers of Excellence on Youth Violence Prevention and collaborate with the U.S. Department of Education to identify opportunities to expand CDC's "Choose Respect" initiative so that it includes efforts to develop healthy school climates and prevent violence in schools.*[8]

- *The U.S. Department of Health and Human Services should include a focus on college students in its mental health public education campaign to encourage young people to support their friends who are experiencing mental health problems.*[9]

- *The U.S. Departments of Education, Health and Human Services, and Justice should continue to work together and with states and local communities to improve and expand their collaboration on their "Safe Schools/Healthy Students" program.*[10]

❖ It is Critical to Get People with Mental Illness the Services They Need

In each state meeting, concerns were raised about the capacity of the state and local mental health delivery systems to meet the full range of mental health needs. Participants voiced concerns about the availability of resources to provide timely and appropriate treatment and services and an insufficient number of skilled mental health workers, which result in waiting lists for services. A number of participants also shared their perception of an increasing number of students with serious mental health issues and the lack of adequate services to support them, particularly at college and university settings. In some state meetings, issues were raised about the particular challenges of providing mental health services in rural and underserved areas. In this area, participants stressed the need to expand their use of telemedicine and other innovative technologies, including electronic health records. All agreed that greater emphasis is needed on creating a coordinated system of community mental health services.

Throughout our discussions, participants talked about the importance of community integration and federal efforts to work with states to facilitate transformation of their mental health systems, which are hallmarks of the President's New Freedom Initiative. De-stigmatizing and raising awareness of mental illness and the need for services that are evidence-based, recovery focused, and consumer and family-driven were also common themes. In this regard, the importance of family-centered care and support were repeatedly mentioned, along with the need to gear services and treatments in ways that give consumers and families meaningful choices among treatment options.

Meeting the challenge of adequate and appropriate community integration of people with mental illness requires effective coordination of community service providers who are sensitive to the interests of safety, privacy, and provision of care. Many states are evaluating how their systems provide services to persons with mental illness, including emergency services and commitment procedures, as they pursue the important goal of community integration. Participants also recognized that to ensure that those individuals who need mental health services are receiving them, it is critical that states have adequate systems for monitoring and following up, particularly where a legal ruling mandates a course of treatment.

To maximize early detection and intervention to address mental health issues, participants discussed the importance of integration between primary care and mental health services and between primary and specialty care for persons with mental illnesses, including specialized services for children and young adults. In this area, training primary health care providers in basic detection techniques and ensuring they are connected with the mental health delivery system are key to getting support and help to those who are in need at an early stage.

State and Local Recommendations

- *Evaluate state and local community mental health systems to ensure their adequacy in providing a full array and continuum of services, including mental health services for students, and in providing meaningful choices among treatment options.*

- *Integrate mental health screening, treatment, and referral with primary health care.*

- *Review emergency services and commitment laws to ensure the standards are clear, appropriate, and strike the proper balance among liberty and safety for the individual and the community, and appropriate treatment.*

- *Where a legal ruling mandates a course of treatment, make sure that systems are in place to ensure thorough follow-up.*

Recommended Federal Action

- *The U.S. Department of Health and Human Services should convene the directors of state mental health, substance abuse, and Medicaid agencies and constituent organizations to explore ways to expand and better coordinate delivery of evidence-based practices and community-based care to adults and children with mental and substance use disorders.*

- *The U.S. Department of Health and Human Services should examine current strategies for implementing innovative technologies in the mental health field to enhance service capacity, through such means as telemedicine, electronic health records, health information technology, and electronic decision support tools in health care.*

- *The interagency Federal Executive Steering Committee on Mental Health led by the U.S. Department of Health and Human Services[11] should promote federal agency collaboration to support innovations in mental health services and supports for school aged children and young adults in primary care and specialty mental health settings using evidence-based programs and innovative technologies. The Committee should also examine ways of disseminating more widely state and local grant opportunities that focus on detecting and treating behavioral health and violence issues with children and youth.*

❖ Where We Know What to Do, We Have to be Better at Doing It

It is a sad fact that many states have had experiences with school violence; but as a result, many have already thought critically and extensively about the issue. State and local governments often have prevention and response plans and, in the aftermath of the Virginia Tech tragedy, many states have established task forces or are otherwise evaluating whether and how to adapt existing school violence strategies to the unique environment of higher education.

Many states reported that they have emergency management plans in place and that many schools, including institutions of higher education, have developed protocols and strategies for preventing and responding to emergencies. These plans and strategies are the product of previous experience with natural disasters and school violence, as well as more general emergency preparedness in a post-September 11th world. In some states, state and local community preparedness grants from the U.S. Departments of Homeland Security and Health and Human Services include emergency preparedness planning that extends beyond natural disasters and terrorist attacks to school violence and other violent episodes in public places. The U.S. Department of Justice similarly makes grants to states that can be used for such purposes. In other states, participants observed that existing plans might not contemplate evolving threats to public safety. Promising practices and examples of comprehensive emergency management planning efforts currently exist and are being used across the country, but participants acknowledged that more could be done to disseminate best practices.

The U.S. Department of Education has created guidance on emergency management planning for the K–12 school community, but institutions of higher education face some unique challenges, including the age of students, size of student body, and physical layout of campuses. Some participants noted that emergency preparedness plans crafted for the smaller and more contained environment of K-12 education might not be easily applied to more porous, larger, and diverse college campuses or other settings. Others observed that some K-12 policies may not apply to higher education, where the student population consists of young adults and adults. Some participants noted that having a plan was not a guarantee that it will be effective or used when needed. In this regard, many noted the importance of, and challenges to, practicing the plan and making sure that everyone in the relevant community (students, faculty, staff, and parents, as well as local law enforcement) is aware of appropriate steps to take in an emergency. Participants especially highlighted the need for continuous and ongoing education of students, given the constantly changing student body. Finally, many schools are using or evaluating new forms of technology to communicate with students in an emergency. However, they report that they often face challenges in establishing and maintaining these systems.

Campus police are often the first responders to campus violence, and may have the initial interactions with students or others whose behavior may indicate a potential for violence. Despite this, and perhaps because campuses are widely seen as safe environments, some campus law enforcement participants indicated that they are, in some cases, understaffed or lack resources for training, which may leave them less than ideally prepared for crisis incidents on campus. Some participants indicated that students, campus officials, and external law enforcement counterparts do not view campus police forces as full law enforcement officers. By contrast, some campus police forces reported that they work very effectively and cooperatively with local police forces, have agreements in place for joint assistance and training, and engage in such joint exercises. Whatever the local practice, joint training of first responders was seen as vital, as was increased resources. There was a consensus that campus police forces, which are on the front lines in keeping campuses safe, need adequate resources, training, and respect to do their jobs effectively.

State meeting participants who have experience with violence in schools and other public settings also discussed the importance of appropriately responding to victims and others impacted by the event, and that outsiders desiring to provide assistance must be sensitive to the particular needs of the local community. In addition, many participants stressed the need to provide longer-term follow up and mental health support to reduce the residual impact of tragic situations. States that have experienced violence in schools and other public settings further identified the importance of convening cross-cutting teams to evaluate the events and formulate and implement plans based on lessons learned.

State and Local Recommendations

- *Integrate comprehensive all-hazards emergency management planning for schools into overall local and state emergency planning.*

- *Institute regular practice of emergency management response plans and revise them as issues arise and circumstances change.*

- *Communicate emergency management plans to all school officials, school service workers, parents, students, and first responders.*

- *Develop a clear communication plan and tools to communicate rapidly with students and parents to alert them when an emergency occurs. Utilize technology to improve notification, communication, and security systems.*

- *Ensure the actual and perceived effectiveness of campus law enforcement through enhanced professionalism of campus police forces and joint training with federal, state, and local law enforcement.*

- *Be prepared to provide both immediate and longer-term mental health support following an event, and evaluate events and the response to them in order to gather lessons learned and implement corrective measures.*

Recommended Federal Action

- *The U.S. Department of Education should review its information regarding emergency management planning*[12] *to ensure it addresses the needs of institutions of higher education and then disseminate it widely.*

- *The U.S. Departments of Education, Homeland Security, and Justice should collaborate and be proactive in helping state, local, and campus law enforcement receive desired training and making them aware of federal resources on behavioral analysis, active shooter training, and other research and analysis relevant to preparedness and response.*[13]

- *The U.S. Departments of Homeland Security and Justice, jointly and separately, and in collaboration with the U.S. Department of Education, should consider allowing existing grant programs to be used to facilitate joint training exercises for state, local, and campus law enforcement.*[14]

- *The U.S. Departments of Health and Human Services and Homeland Security should examine their community preparedness grants to state and local communities, which include an emphasis on early detection of hazards through information sharing, to clarify the grants that are available for the prevention of and preparedness for violence in schools, offices, and public places.*

CONCLUSION

The Virginia Tech tragedy and similar violent events that have occurred in recent years throughout our country raise deep-seated issues. They rightly make all of us ask whether the complex balancing of fundamental interests in our communities – interests of protecting privacy and civil liberties, ensuring that our communities are safe, and helping people get the care they need – is appropriately calibrated. Carrying out the President's charge, we have met with Governors, legislators, state officials, and experts from the spectrum of mental health, education, and law enforcement communities, who have identified obstacles they face and steps they believe should be taken to address school violence and mental illness at the community level. Based on what we heard, we offer recommendations for actions the federal government can take in each of five major issue areas to address these concerns.

This report is not, and should not be, an attempt to answer these fundamental questions once and for all, or to set the balancing of these critical interests at the national level. Instead, along with identifying how the federal government can help, it serves to focus the issues that must be part of the ongoing dialogue – in communities, states, and at the federal level – that will continue to calibrate the balance of these important rights, as we protect our freedoms and provide for our safety.

ENDNOTES

[1]For instance, in October 2006 the White House convened a Conference on School Safety, bringing together federal, state and community leaders to focus on these issues. Information about the White House Conference on School Safety may be found at http://www.whitehouse.gov/infocus/education/schoolsafety/. Information about the broad range of other federal activities and resources is posted on the Departments of Education, Health and Human Services, and Justice websites, respectively at: http://www.ed.gov/admins/lead/safety/schoolsafety/index.html, http://www.hhs.gov/secretary/violence.html, http://www.cops.usdoj.gov/Default.asp?Item=588 and http://www.ojp.gov/ovc/publications/bulletins/schoolcrisis/welcome.html, among other sites.

[2] In 2004, the U.S. Department of Justice's Office of Community Oriented Policing (COPS) sponsored a national summit on campus safety issues which included campus law enforcement practitioners, local, state, and Federal government officials, and representatives from the International Association of Campus Law Enforcement Administrators (IACLEA) and other law enforcement and higher education organizations. The results of this summit are contained in a report entitled *National Summit on Campus Public Safety: Strategies for Colleges and Universities in a Homeland Security Environment*, which can be found at http://www.cops.usdoj.gov/files/ric/Publications/NationalSummitonCampusPublicSafety.pdf. The report's primary recommendation was the creation of a National Center for Campus Law Enforcement that will develop and disseminate training, best practices, model policies, and other resources to enhance public safety on campus. To further this recommendation, the COPS Office provided funding to IACLEA to further explore the creation of a national center and more clearly define the campus public safety needs that a national center would seek to address. This project is on-going.

[3] Participants in a number of state sessions cited as a model tool for effective threat assessments, the May 2002 guidance published jointly by the U.S. Secret Service and the U.S. Department of Education, entitled *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates.* The guide is based upon research conducted by the Department of Education and the Secret Service on forty-one shooters and thirty-seven targeted school shootings that occurred between 1974 and 2000. The guide and interactive CD-ROM were distributed in April 2007 to Safe School Centers, School Security Chiefs, key education associations, and Chief State School Officers and can be found at http://www.ed.gov/admins/lead/safety/threatassessmentguide.pdf.

[4] The FBI's National Center for Analysis of Violent Crime Behavioral Analysis Unit-1 (BAU) (http://www.fbi.gov/hq/isd/cirg/ncavc.htm) provides federal, state, local, and foreign law enforcement agencies with various behavioral analysis services, with a specialty relating to issues involving threat assessment and school violence. The BAU works with requesting agencies in an attempt to provide a threat management strategy after gathering and evaluating all available information regarding various facets of the student's life. The BAU also provides training programs on this topic to various law enforcement agencies, school administration personnel, and mental health professionals who are regularly tasked with responding to threatening situations in school environments.

[5] The U.S. Department of Justice recently submitted a crime bill to Congress. Among other things, the proposed legislation recognizes the importance of state efforts to improve information about mental health records, and criminal dispositions in ensuring the effectiveness of federal firearms laws. The bill prioritizes NCHIP grant applications that aim to improve the quantity and quality of records included in the NICS.

[6] The NICS Section of the FBI's Criminal Justice Information Services (CJIS) Division has been working for the past eight years to promote the submission of information identifying all qualifying prohibited individuals to the NICS Index through a national outreach initiative focused on sharing information with stakeholders about the NICS' operations. The NICS Section of CJIS has promoted the submission of mental health records and sought to further understanding of the scope of federal law and the need to make information available to the NICS through outreach to state and local officials. The NICS Section's efforts have included a wide array of stakeholders, including law enforcement, mental health professionals, and court personnel. The NICS Section has previously sent letters to states reminding them of the scope of federal law and the need to make information available to the NICS. In addition, the ATF has been proactive in educating law enforcement and the firearms dealer community on federal firearms laws, and will continue to do so. After the Virginia Tech tragedy, ATF communicated to all state Attorneys General and federal firearms licensees explaining the federal firearms prohibition relating to "mental defectives" in the Gun Control Act of 1968 and encouraging states to make relevant information available to the NICS. These letters are available on the ATF's website at http://www.atf.gov/press/2007press/050907open-letter-to-states-attorneys-general.htm and http://www.atf.gov/press/2007press/050907open-letter-to-ffls.htm.

[7] By law, federal agencies are required to provide certain information to the NICS. Section 103(e) (1) of the Brady Act (Pub. L. 103-159) provides the Attorney General the authority to secure directly from any department or agency of the United States information on persons whose receipt of a firearm would violate federal or state law. The provision provides that the heads of such agencies shall provide the information to the NICS. To that end, the Department of Justice will continue its efforts to ensure that all federal agencies with relevant information forward that information to the NICS. Neither the Brady Act nor other federal laws require states to submit information on prohibited persons to the NICS, and thus to the extent that States submit information on prohibited persons to the NICS, they do so voluntarily. The Brady Act established the NCHIP Federal funding program, administered by BJS, as the primary means to improve the automation and accessibility of state criminal records at the national level. The President, through his FY 2008 budget, makes grant funding available, for which states can apply to improve the information provided to the NICS. In addition to providing funding to states, DOJ has been working to encourage the States to submit information on prohibited persons to the NICS. However, significant shortcomings remain in the completeness of the records in the system and the availability of relevant information for NICS checks.

[8] CDC's Academic Centers of Excellence on Youth Violence Prevention focus on assessing the problem of youth violence in targeted communities; mobilizing those communities to prevent youth violence; researching the development, evaluation, and dissemination of effective interventions; integrating the research and community mobilization components; and emphasizing interdisciplinary and participatory research to prevent youth violence. http://www.safeyouth.org/scripts/index.asp.

CDC's Choose Respect initiative is a national effort to help youth form healthy relationships to prevent dating abuse before it starts. The initiative targets 11-14 year olds and the caring adults in their lives with the message that dating abuse is not just unacceptable, but also preventable by choosing respect. Based on social marketing principles and models of behavior change, the overall aim of the initiative is to move the target audience through the various stages of change by increasing knowledge and awareness; influencing beliefs; changing attitudes; and changing and sustaining behavior.

[9] The U.S. Department of Health and Human Services, through its Substance Abuse and Mental Health Services Administration, recently launched the Mental Health National Anti Stigma Campaign to encourage young people between 18 and 25 to support their friends who are experiencing mental health problems. The prevalence of serious psychological distress in this age group is high, more than 50% higher than the general population, yet this age group is the least likely to receive treatment. The Web site for the program is http://www.stopstigma.samhsa.gov.

[10] The Safe Schools/Healthy Students program provides grants to school districts for comprehensive, community-wide drug and violence prevention projects. School districts are required to partner with local law enforcement, public mental health, and juvenile justice agencies/entities. This program is jointly funded by the U.S. Departments of Education and Health and Human Services and jointly administered by the U.S. Departments of Education, Health and Human Services, and Justice. Information can be found at http://www.sshs.samhsa.gov.

[11] The inter-agency Federal Executive Steering Committee consists of high-level representatives from agencies within the U.S. Department of Health and Human Services and from nine other federal departments that serve children, adults, and older adults who have mental disorders. The Committee oversees implementation of the Interagency Federal Action Agenda on Mental Health under the President's New Freedom Initiative. The Interagency Federal Action Agenda on Mental Health includes public education campaigns to de-stigmatize and raise awareness about mental illness and grants to states to transform their mental health system (including focused grants for children and adolescents) and foster the development of a mental health system that is evidence based, recovery focused, and consumer and family driven. http://www.samhsa.gov/Federalactionagenda/NFC_execsum.aspx.

[12] In September 2004, the Department of Education published *Practical Information on Crisis Planning: A Guide for Schools and Communities.* The guide gives schools, districts, and communities the critical concepts and components of good crisis planning, stimulates thinking about the crisis preparedness process, and provides examples of promising practices. The guide can be found at: http://www.ed.gov/admins/lead/safety/crisisplanning.html.

[13] The U.S. Department of Justice, through the Bureau of Justice Assistance (BJA), has several relevant training courses that are available and currently scheduled for implementation across the country. Examples include the Advanced Law Enforcement Rapid Response Training (ALERRT) Program, developed in partnership with Texas State University. In addition, BJA has planned, in partnership with the International Association of Campus Law Enforcement Administrators (IACLEA) to facilitate a summit in the summer of 2007 to invite federal agencies, law enforcement, security, and education executives for high level discussions on campus safety and security needs, resources, and promising practices. BJA's Campus Crime Prevention Training Program covers relevant topics over several days, in partnership with the National Crime

Prevention Council and the IACLEA. The FBI and ATF also provide training courses as needed and desired. Specifically, as noted in footnote 4, above, the BAU is expert in behavioral analysis and works with state and local government to provide expertise and training.

[14] The U.S. Department of Justice will continue to work with colleges and universities on training initiatives and will continue to make funds available to states. The Department of Justice urges states to consider how to make federal funds available to colleges and universities. In this regard, the Department of Justice should consider whether additional education and outreach to potentially eligible college and university participants, either directly or through state grant recipients, is warranted. Information about the grant program is located at http://www.ojp.usdoj.gov/BJA/grant/byrne.html.